

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

DARLENE F. CHILDERS,
Plaintiff-Appellant.

v.

No. 96-2380

KENNETH S. APFEL, COMMISSIONER OF
SOCIAL SECURITY,
Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of West Virginia, at Huntington.
Robert J. Staker, Senior District Judge.
(CA-95-335-3)

Submitted: October 7, 1997

Decided: November 17, 1997

Before HAMILTON and MICHAEL, Circuit Judges, and
BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Rose A. Cyrus, Huntington, West Virginia, for Appellant. James A. Winn, Chief Counsel, Region III, Robert S. Drum, Assistant Regional Counsel, Office of the General Counsel, SOCIAL SECURITY ADMINISTRATION, Philadelphia, Pennsylvania; Rebecca A. Betts, United States Attorney, Sharon Frazier, Assistant United States Attorney, Huntington, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Darlene Childers filed an application for disability insurance benefits in November 1990, for a period of disability from 1987 to 1992. A hearing was held in February 1992, at which time the Administrative Law Judge ("ALJ") denied the application and the Appeals Council affirmed the decision. Childers challenged the Appeals Council's decision in the district court, which remanded to the Secretary for further proceedings. Following a supplemental hearing in May 1994, the ALJ decided that Childers was not disabled under the Social Security Act because she has the functional capacity to perform sedentary work. The Appeals Council denied Childers' request for review. The ALJ's decision then became the Secretary's final decision.

Childers filed a complaint in the district court challenging the final decision of the Secretary. The magistrate judge recommended affirming the Secretary's determination, and the district court adopted the magistrate's report and recommendation. Childers appealed.

We review the Secretary's final decision to determine whether it is supported by substantial evidence and whether the correct law was applied. See 42 U.S.C.A. § 405(g) (West Supp. 1997); Hays v. Sullivan, 907 F.2d 1453, 1456 (4th Cir. 1990). Childers claims that substantial evidence does not support the ALJ's finding that her back problems are not disabling. The evidence in the record showed that Childers suffers from a lower back sprain. However, the evidence shows that during the time period for which Childers claims disability she was physically active and able to participate in household chores and other hobbies. There was no evidence of any disabling physical abnormality. The ALJ thoroughly evaluated the evidence and gave specific reasons for his determination. See Hammond v. Heckler, 765 F.2d 424, 426 (4th Cir. 1985). Because we conclude that the Secretary's decision is supported by substantial evidence and was based on

the correct legal standards, we will not disturb that decision. Hays, 907 F.3d at 1456.

Accordingly, we affirm the district court's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED